



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Ulrich Khan et al. : Group Art Unit:1614  
Serial No.: 09/485,292 : Examiner: Binta Robinson  
Filed: 3 May 2000 :  
For: NEW EPOTHIOLONE DERIVATIVES, PROCESS FOR THEIR PRODUCTION, AND  
THEIR PHARMACEUTICAL USE

**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98**

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

**Timing and Fees**

- Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
  - within three months of the filing date of a national application other than a CPA under § 1.53(d);
  - within three months of the actual filing date of the national phase of a PCT application; OR
  - before the mailing of a first substantive office action (including after filing of an RCE).
- Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
  - a final rejection under 37 C.F.R. 1.113;
  - termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P. § 609(B)(2);

OR

a notice of allowance under 37 C.F.R. § 1.311; and

is accompanied by:

the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR

a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:

a final action under 37 C.F.R. § 1.113;

termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P. § 609(B)(2); OR

a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(e)

Each item of information contained in this information disclosure statement was a first cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or

No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

Cited Materials

Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. \_\_\_\_\_, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).

Copies of materials listed were cited in an international search report dated \_\_\_\_\_.

Copies of the materials listed are attached.

Non-English Language References

An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).

A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:

X = document of particular relevance when it is taken alone  
Y = document of particular relevance when it is combined with another such document  
A = document defining the general state of the art  
O = non-written disclosure  
P = intercalated document  
T = document cited to understand the theory or principle underlying the invention  
E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date  
D = cited in the application  
L = cited for another reason  
& = publication of member of same patent family

Translation of other relevant information on foreign search report

Other Information

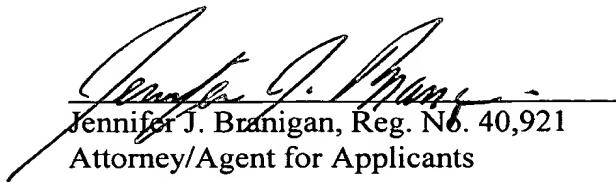
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Please charge to Deposit Account No. 13-3402 \$\_\_\_\_\_ for the fee identified above.

The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

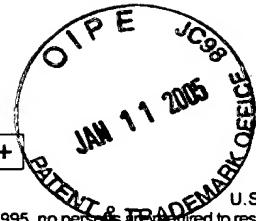


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Attorney Docket No. SCH-1742

Date: January 11, 2005



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## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

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of 2

***Complete if Known***

Application Number	09/485,292
Filing Date	May 3, 2000
First Named Inventor	Ulrich Klar et al.
Group Art Unit	1614
Examiner Name	Binta M. Robinson
Attorney Docket Number	SCH-1742

## U.S. PATENT DOCUMENTS

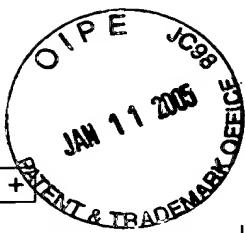
## FOREIGN PATENT DOCUMENTS

Examiner Signature	Date Considered	
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Group Art Unit	1614
Examiner Name	Binta M. Robinson

Attorney Docket Number

SCH-1742

### OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		U.S. Serial No. 09/913,163	
		U.S. Serial No. 09/979,939	
		K.C. NICOLAOU ET AL.: "Designed Epothilones: Combinatorial Synthesis, Tubulin Assembly Properties, And Cytotoxic Action Against Taxol-Resistant Tumor Cells" Angewandte Chemie. International Edition, DE. Verlag Chemie. Weinheim, vol. 36, no. 19, 1997, pages 2097-2103, XP002064441	
		K.C. NICOLAOU ET AL.: "Chemical Biology of Epothilones" Angewandte Chemie. International Edition, De. Verlag Chemie. Weinheim, vol. 37, no. 15, August 1998 pages 2014-2045, XP002131418	
		K.C. NICOLAOU et al.: "Total Synthesis of Oxazole- and Cyclopropane-Containing Epothilone A Analogs by the Olefin Metathesis Approach" - Chem Eur. J. 1997, 3, No. 12, pp. 1957-1970.	
		K.C. Nicolaou, "Synthesis of Epothilones A and B in Solid and Solution Phase", Nature, vol. 387, (1997), pgs 268-272	
		Zhen Yang, et al. "Die Totalsynthese von Epothilon A: der Zugang durch Olefinmetathese **" Angew. Chem (1997), 109, Nr. 112, pgs 170-172	
		Dieter Schinzer et al., Totalsynthese von (-)-Epothilon A**, "Angew. Chem. 1997, 109. Nr. 5), pgs 543-544	
		K.C. Nicolaou et al., The Olefin Metathesis Approach to Epothilone A and Its Analogs and Chemical Abstracts 26-Biomolecules and Their Synthetic Analogs, Vol. 132, No. 22 (2000), pg. 674	

Examiner Signature	Date Considered
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<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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